

Topsfield Planning Board

December 04, 2007

Chairman Morrison called the meeting to order at 7:30 PM. Board members present were Martha Morrison, Janice Ablon, Gregor Smith, and Robert Winship. Roberta Knight, Community Development Coordinator was also present.

Visitors: Michael O'Hara, Selectman Dick Gandt; Master Planning Members Holger Luther, Alice Sheridan, Joe Geller, Andy Sims, Katherine Carlson.

Minutes:

Clerk Jan Ablon made the motion to approve the minutes of November 6, 2007 as written; seconded by Bob Winship; so voted 4-0.

Clerk Jan Ablon made the motion to approve the minutes of November 20, 2007 as corrected; seconded by Bob Winship; so voted 3-0-0. Chairman Martha Morrison abstained.

Fox Run Road Extension: Developer Michael O'Hara came before the Planning Board to request the release of the surety bond in the amount of \$25,000 for the one lot subdivision that has been completed. Ms. Knight noted that she had spoken to Highway Superintendent David Bond and also received an email confirming that he had reviewed the As-Built, visited the site, and approved the roadway as constructed. The Board then reviewed the necessary approval and release forms.

Member Gregor Smith made the motion to forward the submitted Form I to the distribution list for the approval of each designee for the release of the surety bond for Fox Run Road Extension; seconded by Bob Winship; so voted 4-0.

Clerk Jan Ablon made the motion to approve Form K Release of Surety Bond to bonding agent contingent to approvals by distribution list; Chair authorized to sign; seconded by Bob Winship; so voted 4-0.

New Business:

Warrant Article List: The Board reviewed items and amendments that will require town meeting action at the May 2008 ATM. The list as developed is as follows:

1. **Article XIII, Sign Regulations:** Renumber Section by reversing 13.5.B.2 to 13.5.B3 and 13.5.B3 to 13.5.B.2
2. **Article III, Section 3.05:** Amend to add language under "Finding" to limit the commencement of construction to within one year of the decision's filing date.

3. **Article III, Section 3.16:** Amendment Elderly Housing District Overlay for 12 Boston Street
4. **Article III, Section 3.16:** Amendment Elderly Housing District Overlay for New Meadows Golf Course
5. **Article III, Section 3.16.A.1:** Amendment for condominium use
6. **Article III, Section 3.11:** Amendment to create new zoning district “Business Highway North”
7. **Article III, Section 3.12:** Amendment for district definition for existing Business Highway District
8. **Article III, Section 3.02:** Amend Table of Uses for new BHN district
9. **Article IV, Section 4.02:** Amend Table of Dimensional And Density Regulations for new BHN district

During the development of the list, the Planning Board discussed the issue of a Non-Criminal Disposition By-law in regards to the impositions of fines for the violation of the Topsfield Zoning By-laws. Member Bob Winship noted that he had an extensive conversation with Topsfield resident Peter Bryson who is the former Inspector of Buildings for the Town of Danvers. Mr. Bryson stated that is essential to have the non-criminal disposition in place since the courts do not want to deal with criminal actions unless the non-criminal has been exhausted. Selectman Gandt stated that the Selectmen have had a recent discussion on this issue, and he would be interested in Mr. Bryson’s comments since his initial reaction was that he would not be in favor of pursuing non-criminal disposition.

The Board also discussed the need for the developers of the two proposed Elderly Housing Districts to contact the abutters to their respective properties and hold informational public meetings. The Board also decided to request the developers to pay for the advertising of the legal notice for the public hearing on the amendments for their respective developments to all abutters. The members also discussed the possibility of two separate hearings in March: one for the general amendments and a separate hearing for the two EHD proposals.

35 Main Street ANR Request: Ms. Knight informed the Board that she had received a request from Frank Iovanella relative to a “non-buildable” lot designation for an ANR for 35 Main Street. He has sold the home with a closing date of January 11, 2008, and would like to sub-divide the back end of the lot with a “non-buildable” designation. The Planning Board had previously denied an ANR for a buildable lot and this action is

currently under appeal in Land Court. The Board discussed the request and placed it on the agenda for the December 18th meeting.

Joint Meeting of Planning Board and Master Planning Committee

At 8:50PM, Chairman Martha Morrison called the joint meeting to order. The members of both committees commenced the review of the Version 4 of the proposed zoning amendments for Section 3.11 “Uses in the Business Highway North District” and Section 3.12” Uses in the Business Highway District in the Zoning By-law.

The members reviewed and discussed the following issues:

- Roof pitches
- Length and height of building facades
- Breaks in the façade
- Number of stories
- Number of windows
- Buffer strips and access by pedestrian walkways

Planning Board member Gregor Smith left the meeting at 9:05 PM.

The members also had an extensive discussion concerning the dimensional and density calculation for lots in the new BHN district. Chairman Morrison explained that the development of a lot would have to meet two percentage calculation requirements: (1.) the maximum buildable area and (2.) the maximum building area. It was the consensus of the members to review the calculations for “Cottage Place” at the next meeting to see how it compares with possible percentage guidelines for the new district.

The meeting was adjourned at 10:02 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator